

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Felipe Cabrera Sarabia

Case No. 25-CV-0705 (JRT/JFD)

Petitioner,

v.

ORDER

Warden FCI Sandstone,

Respondent.

Petitioner Felipe Cabrera Sarabia filed a petition for habeas corpus challenging how the Bureau of Prisons (“BOP”) calculated his good conduct time credits (“GCT”). (Dkt. No. 1.). But Mr. Sarabia did not pay the filing fee or submit an application to proceed *in forma pauperis* (“IFP”) along with his petition. Thus, at the outset of the case, the Clerk sent Mr. Sarabia a letter advising him that he must either submit an application to proceed IFP or pay the filing fee within 15 days of the date of the letter, failing which this action would be summarily dismissed without prejudice. (Dkt. No. 2.). The Clerk’s letter was dated February 24, 2025. *Id.*

The 15-day deadline passed with no information that Mr. Sarabia had paid the filing fee, so on March 15, 2025 the Court recommended dismissal for failure to prosecute based on Mr. Sarabia’s failure to either pay the filing fee or submit an IFP application. (Dkt. No. 4.). Since that time, Mr. Sarabia’s filing fee has been docketed. (Dkt. No. 5.).

Accordingly, having now received documentation that the filing fee has been paid, (Dkt. No. 5), this Court hereby ORDERS the Report and Recommendation entered on

March 31, 2025, be VACATED. (Dkt. No. 4.). Before any other action is taken in this matter, Mr. Sarabia's habeas petition shall be subject to review pursuant to Rule 4 of The Rules Governing Section 2254 Cases in the United States District Courts.¹

SO ORDERED.

Date: April 4, 2025

s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge

¹ Mr. Sarabia's habeas petition is not brought pursuant to 28 U.S.C. § 2254. Nevertheless, the Rules Governing Section 2254 Cases may be applied to his petition. *See* Rule 1(b).